

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOSE E. ORTIZ,

Petitioner,

v.

JEFFREY WOLFE, Warden,

Respondents.

**CASE NO. 2:08-CV-94
JUDGE GRAHAM
MAGISTRATE JUDGE KING**

OPINION AND ORDER

On March 20, 2009, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 be dismissed as unexhausted unless petitioner notified the Court within ten days of the deletion of his unexhausted claims from the petition. Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation* and of the consequences of failing to do so, no objections have been filed. The docket reflects that petitioner's notification of the *Report and Recommendation* was returned as undeliverable with no forwarding address, *see* Doc. No. 18; however, it is the responsibility of the petitioner to keep the Court advised of his current whereabouts.

The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

It is so ORDERED.

s/ James L. Graham
JAMES L. GRAHAM
United States District Judge